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OFFICE OF PETITIONS

In re Application of :
Baker, et al. :
Application No.: 10/817,058 : **ON PETITION**
Filing Date: April 2, 2004 :
Attorney Docket No. BA-32448(1) :

This is regarding the petition under 37 CFR 1.47 filed March 15, 2007, which has been treated as a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.131.

The petition filed March 15, 2007, is **dismissed as moot**.

The record reflects that a petition under 37 CFR 1.47 was first filed on July 10, 2006. The petition requested that declaration under 37 CFR 1.131 be accepted without the signature of inventor Shi because inventor Shi is refusing to sign the declaration. A decision on the petition was mailed November 13, 2006. The decision noted that the petition was being treated as petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.131. The petition was granted therefore allowing the declaration under 37 CFR 1.131 to be accepted without the signature of inventor Shi. A courtesy copy of the decision is enclosed for petitioner's convenience.

Accordingly, there is no relief that can be provided by the instant petition under 37 CFR 1.47. The petition is dismissed as moot.

The application file will be forwarded to Technology Center 1600, GAU 1656 for further processing.

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Enclosure: Decision on petition mailed November 13, 2006 (COPY)



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OFFICE OF PETITIONS

In re Application of :
Baker, et al. :
Application No.: 10/817,058 : ON PETITION
Filing Date: April 2, 2004 :
Attorney Docket No. BA-32448(1) :

This is a decision on the petition under 37 CFR 1.47 filed July 10, 2006, which will be treated as a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.131.

The petition is **granted**.

The record reflects that both joint inventors named in subject application executed the declaration required by 37 CFR 1.63, and that the executed declaration was filed with the original application papers on April 2, 2004. Petitioner now files the instant petition under 37 CFR 1.47 because one of the joint inventors refuses to sign the declaration under 37 CFR 1.131. Petitioner requests that the declaration under 37 CFR 1.131 be accepted without the signature of inventor Shi because inventor Shi is refusing to sign the declaration.

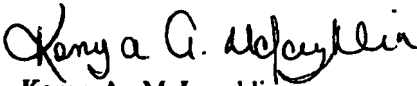
It is noted that the provisions of 37 CFR 1.47 only apply to the execution of the original oath or declaration under 37 CFR 1.63. A petition under 37 CFR 1.47 is not appropriate in this case because inventor Shi executed the original declaration. Relief can be granted, pursuant to 37 CFR 1.183, by the waiver or suspension of the requirements of 37 CFR 1.131 as to inventor Shi.

Accordingly, the instant petition will be treated as petition under 37 CFR 1.183 to waive the requirement of 37 CFR 1.131 so as to accept the declaration filed July 10, 2006, without the signature of inventor Shi. The petition is **granted**; the requirement of 37 CFR 1.131 that all relevant inventors execute the declaration under 37 CFR 1.131 is waived as to inventor Shi.

The fee for the petition under 37 CFR 1.183 is \$400.00 as per 37 CFR 1.183 and 1.17(f). Deposit account 23-2053 will be charged \$400.00, accordingly.

The application file will be forwarded to Technology Center 1600, GAU 31656 for further processing.

Telephone inquiries regarding this matter should be directed to the undersigned at (571) 272-3222.


Kenya A. McLaughlin
Petitions Attorney
Office of Petitions